

Oct 25, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JESUS M. P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:17-CV-05185-RHW

**ORDER GRANTING STIPULATED
MOTION FOR REMAND**

Before the Court is a Stipulated Motion for Remand in which the parties jointly move the Court to remand for further administrative proceedings. ECF No. 18. Based on the agreement of the parties and the record, the Court finds good cause to grant the motion.

The Commissioner's decision to deny Plaintiff's applications for Social Security disability benefits under the Social Security Act is **REVERSED** and **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the administrative law judge shall: (1) hold a new hearing to obtain supplemental vocational expert testimony to clarify the extent to which the jobs identified would be eroded if claimant were off task 10% of the time; (2) reevaluate step four to determine if claimant is capable of performing any of his

1 past relevant work; and (3) if necessary, reevaluate step five to determine whether
2 jobs exist in the national economy for an individual with claimant's residual
3 functional capacity.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**.

6 2. The Commissioner's decision is **REVERSED** and this matter is
7 **REMANDED** for further administrative proceedings consistent with this order.

8 3. All pending motions in this matter are now moot.

9 4. Reasonable attorney fees may be awarded under 28 U.S.C. § 2412 and/or
10 28 U.S.C. § 1920, upon proper request to the Court.

11 5. The District Court Executive shall enter judgment for the Plaintiff and
12 against Defendant.

13 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
14 Order, forward copies to counsel, and **close the file**.

15 **DATED** this 25th day of October, 2018.

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17 *s/Robert H. Whaley*
18 ROBERT H. WHALEY
19 Senior United States District Judge
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